

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 19808 of 2005(G)

OS.13/1989 of MUNI-MAGI.COURT,PATTAMBI

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PETITIONER:

PARAPPANGATTIL KUNHAHAMED,
VALLAPPUZHA AMSOM AND DESOM,
OTTAPALAM TALUK.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

1. KONGASSERI SAINUDEEN,
S/O. POKKAR MUSALIAR, VALLAPPUZHA
AMSOM AND DESOM, OTTAPALAM TALUK.
2. VELLADATH MOHAMMED,
S/O. HAMMUTTY, MARUTHUR AMSOM AND
KODALUR DESOM, OTTAPALAM TALUK.
3. KONGASSERI SAIDULLA MUSALIYAR
S/O. POKKAR MUSALIAR, DO. DO.

R1 BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.HARISH R. MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 19808 of 2005(G)

:2:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE ORDER OF THE COURT OF THE MUNSIF MAGISTRATE
PATTAMBI IN I.A.810 OF 1999 IN O.S.13/89 DATED 20.12.1999.

EXT.P2: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN CRP 16 OF 2000
DATED 16.12.2004.

TRUE COPY

P.A.TO JUDGE

PIUS C. KURIAKOSE,J.

W.P.(C) No.19808 of 2005

Dated: 5th June, 2007

JUDGMENT

Ext.P1 order of the learned Munsiff refusing to refer the issue of tenancy rights over the property to the Land Tribunal under Section 125(3) of the Kerala Land Reforms Act is under challenge. The persuasive submissions of the learned counsel for the petitioner notwithstanding, I am unable to see that Ext.P1 warrants correction of this court in its visitorial jurisdiction. I find that the facts are marshalled by the learned Munsiff properly and the provisions of law applied correctly. Moreover the impugned order is a well reasoned one which does not suffer from any infirmity and much less any infirmity warranting correction under Article 227 of the Constitution. The Writ Petition will stand dismissed. No costs.

srd

PIUS C.KURIAKOSE, JUDGE